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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/280,791 | 03/26/1999 | FENG QIN | 09019.0058US | 6335 |

23859 7590 11/05/2002

NEEDLE & ROSENBERG P C
127 PEACHTREE STREET N E
ATLANTA, GA 30303-1811

EXAMINER

PRATT, CHRISTOPHER C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1771

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DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Mail

Office Action Summary

Application No.

09/280,791

Applicant(s)

QIN ET AL.

Examiner

Christopher C. Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,26-34 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,26-34 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's remarks filed 8/20/02 have been entered and carefully considered. Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-2, 5, 11-16, 18-20, 29-31, 34, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207873), as previously set forth.

Applicant has not amended the claims in an attempt to overcome the prior art. Applicant argues that the bursting strength and/or tensile strength of instant claims 34 and 38 are not inherent in the web of Honeycutt. It is the examiner's position that the strength properties claimed by applicant may be inherent in the fabric of Honeycutt because both are composed of the same materials and both are created by the same process. Honeycutt's fabric is composed of the same fiber material of the same size and length. The examiner further notes that both fabrics are used for the same purposes. The mere recitation of properties absent in the prior art does not necessarily predicate patentability especially where, as here, the prior art teaches Applicant's claimed materials and structure. The examiner's reasoning is based on the fact that the properties claimed are dependant upon the materials from which they are made and the same materials used for Applicant's invention are found in Honeycutt. The examiner

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notes that applicant's claims recite an extremely broad property range of all values above 50 psi and 13 pounds, respectively.

In the alternative, it would have been obvious to vary the strength of the web. Applicant argues there is no motivation to make such a modification and no expectation of success. The skilled artisan would have been motivated to increase strength by the desire to create a stronger product having more durability. The skilled artisan would have a reasonable expectation of success of increasing strength by simply increasing the entanglement of the fibers.

Applicant argues that Honeycutt teaches thermally bonded fibers. As set forth in the previous action, Honeycutt teaches that thermal bonding is optional.

Applicant argues that the degree of polymerization recited in the present invention is not inherent or obvious in Honeycutt. The examiner refers to the similarities between Honeycutt and the instant invention set forth above as evidence of probable inherency. In the alternative, the examiner provided six references in paper number nine all teaching that it is common and well known in the art to alter the degree of polymerization. Applicant has not responded to these references. The examiner notes that applicant claims an extremely broad polymerization range of 300 to 5000.

4. Claims 1-2, 4-7, 9-12, 14-19, 29-31, 34, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura et al (5882780), as previously set forth.

Applicant argues that the bursting strength and/or tensile strength of instant claims 34 and 38 are not inherent in the web of Yamamura. It is the examiner's position

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that the strength properties claimed by applicant may be inherent in the fabric of Yamamura because both are composed of the same materials and both are created by the same process. Yamamura's fabric is composed of the same fiber material of the same size and length. The examiner further notes that both fabrics are used for the same purposes. The mere recitation of properties absent in the prior art does not necessarily predicate patentability especially where, as here, the prior art teaches Applicant's claimed materials and structure. The examiner's reasoning is based on the fact that the properties claimed are dependant upon the materials from which they are made and the same materials used for Applicant's invention are found in Yamamura.

In the alternative, it would have been obvious to vary the strength of the web. Applicant argues there is no motivation to make such a modification and no expectation of success. The skilled artisan would have been motivated to increase strength by the desire to create a stronger product having more durability. The skilled artisan would have a reasonable expectation of success of increasing strength by simply increasing the entanglement of the fibers.

Applicant argues that the degree of polymerization recited in the present invention is not inherent or obvious in Yamamura. The examiner refers to the similarities between Yamamura and the instant invention set forth above as evidence of probable inherency. In the alternative, the examiner provided six references in paper number 9 teaching that it is common and well known in the art to alter the degree of polymerization. Applicant has not responded to these references.

Applicant argues that Yamamura only discloses PVA fibers in a small amount. This argument is not commensurate in scope with the claims, because the instant claims do not require a particular amount of PVA fibers. Nor do the instant claims preclude the binder fibers later being dissolved. Moreover, Yamamura only teaches dissolving the PVA fibers as an optional process. Yamamura teaches polyester fibers, but so does applicant's claim 17.

5. Claims 3, 8, 21-23, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Honeycutt (5207837) and Yamamura (5882780) in view of Chen et al (5990377), as set forth in the last three actions.

Applicant repeats the argument that the claimed strength properties would not be inherent or obvious in the cited references because all the references are silent with respect to this property. This argument is not persuasive for the reasons set forth above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt
November 4, 2002



CHERYL A. JUSKA
PRIMARY EXAMINER